

PROPERTY OWNER PETITION FOR DETACHMENT OF PROPERTY FROM A CITY

IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF ROTHSAY, MINNESOTA
PURSUANT TO MINNESOTA STATUTES §414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. §414.06, the petitioners shall also provide a copy of this petition to:

- 1) the city from which the land may be detached;*
- 2) all property owners who have not signed this petition;*
- 3) the clerk of the town to which the property may be attached if granted;*
- 4) the clerk of any other abutting town or city; and*
- 5) the county recorder in the county in which the land is located.*

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes §414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by:

 all of the property owners, the area is less than 40 acres; or
 X 75% or more of the property owners, the area is more than 40 acres;
to detach certain properties described herein from the City of Rothsay and make a part of the Township of Tanberg.

1. There are five (5) property owners in the area proposed for detachment.
2. All property owners have signed this petition. (If the land is owned by both the husband and wife, both must sign the petition to represent all owners.)
3. The property is situated within the City of Rothsay, abuts the municipal boundary, and is located in the County of Wilkin.
The petitioned area abuts on the city's N S E W (circle one) boundary(ies).
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

5. The reason detachment is requested is the property proposed for detachment is and has always been agricultural. No municipal services have been provided, none are contemplated, and the property will never become urban or suburban in character.
6. Summarize what efforts were taken prior to filing this petition to resolve the issues: Petitioners met individually with several council members, who were concerned about potential impact on city revenues but acknowledged the petitioners pay a much higher tax for being in the City rather than Township. It was conveyed to the Petitioners that the City Council would not support a resolution for detachment.
7. The number of acres in the property proposed for detachment is 604.46 and is described as follows:

PARCEL 1 - LARSON FARMS SINCE 1871:

The NW $\frac{1}{4}$ of Section 36, Township 135 North, Range 45 West of the Fifth Principal Meridian, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT, TO WIT:

A parcel of land in the NW $\frac{1}{4}$ of Section 36, Township 135 North, Range 45 West of the Fifth Principal Meridian, more particularly described as follows: A strip of land 75.00 feet in width, lying South of the North line of Section 36, Township 135 North, Range 45 West, said Section line being the centerline of CSAH No. 26; commencing at the Northwest corner of said Section 36, (Engineer's Station 482 + 47.0) to a point 2,640.40 feet East of the Northwest corner of said Section 36, (Engineer's Station 508 + 87.4) less previously acquired right-of-way. (Said tract contains 2.5458 acres, more or less.)

AND

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ Section 36, Township 135 North, Range 45 West of the Fifth Principal Meridian, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS, TO WIT:

1. That part of the said NE $\frac{1}{4}$ of Section 36, Township 135 North, Range 45 West lying East of the Great Northern Railroad Right of Way, being described as follows: Beginning at the Northeast corner of said Section 36; thence South, along the Section line, to the intersection of the East line of the Great Northern Railroad right-of-way; thence in a northwesterly direction, along the said railroad Right of Way, to the intersection of the North line of said Section 36; thence East, along the said North line of Section 36, to the point of beginning;

2. A parcel of land in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 36, Township 135 North, Range 45 West of the Fifth Principal Meridian. (all that portion West of the Burlington Northern Railroad), more particularly described as follows: A strip of land 75.00 feet in width, lying South of the North line of Section 36, Township 135 North, Range 45 West, said Section line being the centerline of CSAH No. 26; commencing at a point 2,640.40 feet East of the Northwest corner of said Section 36 (Engineer's Station 508 + 87.4) to a point 4,746.10 feet East of the Northwest corner of said Section 36, (Engineer's Station 529 + 93.1) less previously-acquired right-of-way. (Said tract contains 2.030 acres, more or less.)

3. All that part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 36, Township 135 North, Range 45 West of the Fifth Principal Meridian, described as follows: Commencing at the North Quarter corner of said Section 36; thence on an assumed bearing of North 89°41'09" East along the North line of said Section 36, a distance of 1,493.27 feet to the point of beginning of the land to be described; thence continue North 89°41'09" East along said North line, a distance of 644.02 feet to the westerly right-of-way line of the Burlington Northern Railroad; thence South 34°06'18" East along said westerly right-of-way line of the Burlington Northern Railroad, a distance of 621.35 feet; thence North 89°18'42" West a distance of 989.74 feet; thence North 00°18'51" West a distance of 499.07 feet to the point of beginning. (Said tract contains 9.49 acres, more or less.).

PARCEL 2 - NEAL AND CAROLYN JOHNSON:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135), Range Forty-five (45).

PARCEL 3 - MARJORIE MAE HALBAKKEN, life tenant, MLM FARMS, LLC:

The South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), of Section Thirty-six (36), Township One Hundred Thirty-five (135), Range Forty-five (45), EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT, TO WIT:

Part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135) North, Range Forty-five (45) West described as follows: Beginning South 1,330.00 feet from the Northeast corner of said Section Thirty-six (36); thence South 743.50 feet; thence West 713.52 feet; thence North 743.50 feet more or less to the North line of said Southeast Quarter of the Northeast (SE $\frac{1}{4}$ NE); thence easterly

713.52 feet along said North line to the point of beginning.
(Containing 12.18 acres more or less.)

AND

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135), Range Forty-five (45).

PARCEL 4 - MARJORIE MAE HALBAKKEN, life tenant, MLM FARMS, LLC:

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135), Range Forty-five (45).

PARCEL 5 - MLM FARMS, LLC:

The South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135), Range Forty-five (45), EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT, TO WIT:

That part of the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-six (36), Township One Hundred Thirty-five (135) North, Range Forty-five (45) West described as follows: Commencing at the Northeast corner of said South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$), and thence running South on the Section line a distance of 28 rods; thence running West on a line parallel to the South line of said Section a distance of 27 rods; thence running North on a line parallel to the East line of said Section a distance of 28 rods; then running East a distance of 27 rods to the point of beginning.

8. The number and character of buildings on said property is: Parcel 2: 3 steel grain bins; 1 unused wooden grain bin.
9. The number of residents in the area proposed for detachment is: None.
(The number of residents is not necessarily the same as number of owners.)
10. Public improvements on said property are: None.

Date: May 3, 2019

LARSON FARMS SINCE 1871,
Property Owner

By Troy Larson Partner
Troy Larson, Partner

Date: 5/3/19

Neal K Johnson
Neal K. Johnson, Property Owner

Date May 3, 2019

Carolyn R Johnson
Carolyn R. Johnson, Property Owner

Date: May 3, 2019

Marjorie Mae Halbakken
Marjorie Mae Halbakken, Property Owner

Date: 5/3/19

MLM FARMS, LLP, Property Owner

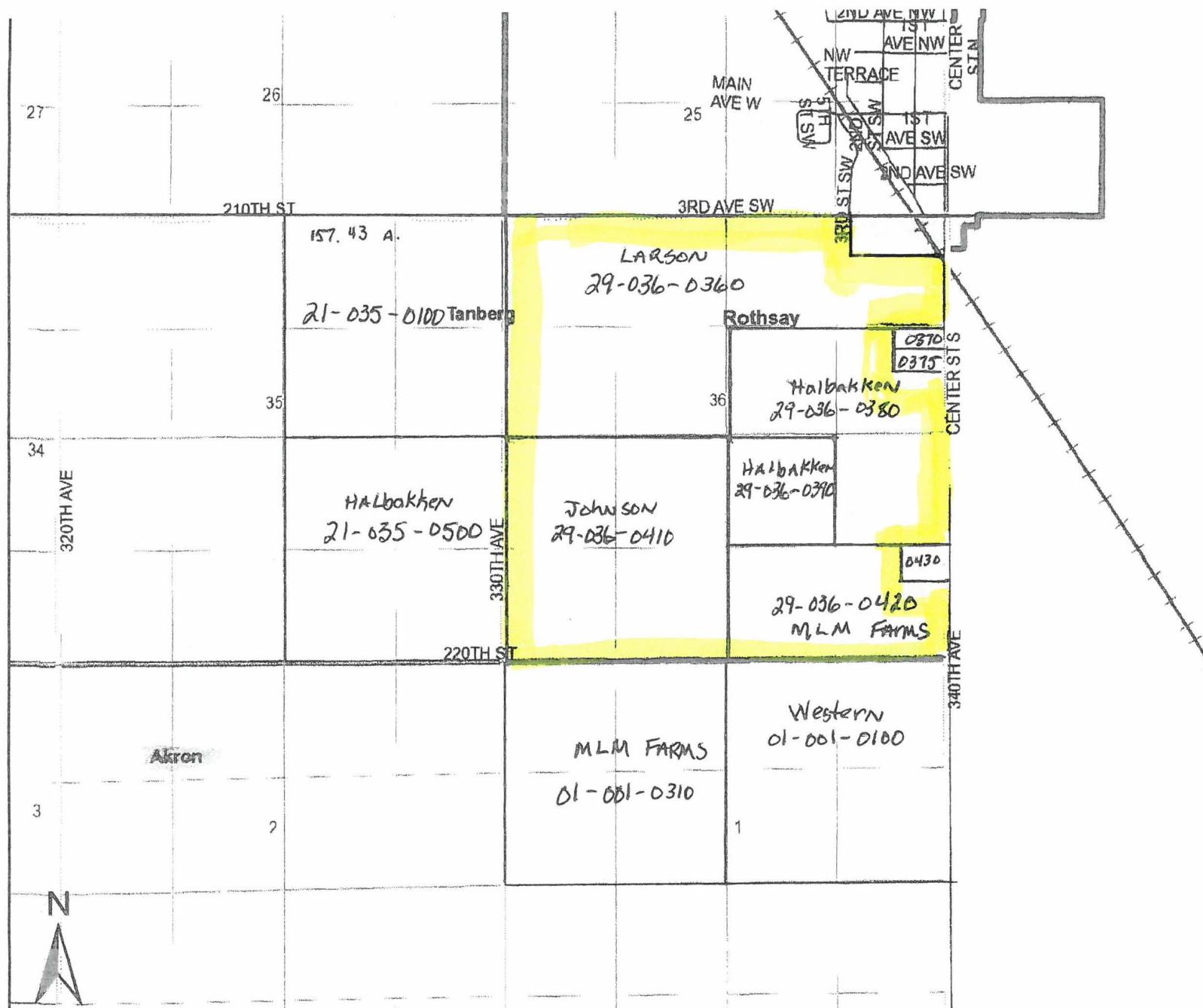
By Mark Halbakken
Mark Halbakken, Partner

Municipal Boundary Adjustment Unit Contacts

Star Holman star.holman@state.mn.us 651-361-7909
Katie Lin katie.lin@state.mn.us 651-361-7911

(February 2019)

7/10/19



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Tax Determination Map

Date: 1/13/2019

Mark Halbakken

